

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN JAMES LISLE,
Petitioner,
v.
WILLIAM GITTERE, et al.
Respondents.

Case No. 2:03-cv-01005-JCM-CWH

ORDER GRANTING MOTION FOR EXTENSION OF TIME

11 In this capital habeas corpus action, the respondents filed their answer on
12 November 15, 2018 (ECF No. 263), the petitioner, Kevin James Lisle, filed his reply
13 on April 26, 2019 (ECF No. 271), the respondents filed a response to the reply on
14 July 10, 2020 (ECF No. 276). Lisle filed a motion for evidentiary hearing with his reply,
15 and that motion has been fully briefed (ECF Nos. 273, 277, 278).

16 Lisle has another capital habeas corpus action pending in this Court, *Lisle v.*
17 *Gittere, et al.*, Case No. 2:03-cv-01006-MMD-DJA (*Lisle II*). The Court in this action
18 takes judicial notice of the proceedings in *Lisle II*. In that case, Lisle has filed a *pro se*
19 motion to waive further proceedings and voluntarily dismiss the action (ECF No. 359 in
20 *Lisle II*). It appears from the record in *Lisle II* that the motion raises questions regarding
21 whether Lisle is competent to make such a waiver and whether his waiver is knowing,
22 intelligent and voluntary, and the Court has granted an evidentiary hearing with respect
23 to those questions (ECF No. 402 in *Lisle II*). The evidentiary hearing is scheduled to
24 commence on October 22, 2020 (ECF No. 407 in *Lisle II*).

25 In view of the proceedings in *Lisle II*, The Court will stay this action pending the
26 resolution of Lisle's motion, in *Lisle II*, to waive further proceedings and voluntarily
27 dismiss that action. After that motion in *Lisle II* is resolved, this Court will hear from the
28 parties regarding what effect the Court's ruling on that motion, in *Lisle II*, has on this

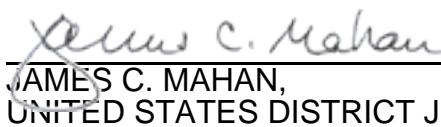
1 action. The Court will deny the motion for evidentiary hearing that is pending in this
2 case, without prejudice. When the stay of this action is lifted the Court will determine
3 whether renewal of the motion for evidentiary hearing is warranted, whether and how
4 this action should proceed, and whether any supplemental briefing is warranted.

5 **IT IS THEREFORE ORDERED** that this action is **STAYED**.

6 **IT IS FURTHER ORDERED** that Respondents shall file a notice in this action,
7 within 30 days after the Court resolves the motion to waive further proceedings and
8 voluntarily dismiss action in *Lisle II* (ECF No. 359 in *Lisle II*), informing the Court of the
9 ruling on that motion.

10 **IT IS FURTHER ORDERED** that Petitioner's Motion for Evidentiary Hearing (ECF
11 No. 273) is **DENIED**, without prejudice.

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13 DATED THIS 7th day of October, 2020.

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16 JAMES C. MAHAN,
17 UNITED STATES DISTRICT JUDGE

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